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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,140	07/17/2003	Hagen Eck	09282.0041-00	5206

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EXAMINER

SAADAT, CAMERON

ART UNIT PAPER NUMBER

3715

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/623,140	Applicant(s) ECK ET AL.	
	Examiner Cameron Saadat	Art Unit 3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/1/05.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

In response to amendment filed 7/8/2005, claims 1-22 are pending in this application.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al. (USPN 5,727,950; hereinafter Cook).**

Regarding claims 1 and 11, Cook discloses a computerized system and method for curriculum management, comprising: electronically receiving input from a user specifying metadata for defining a curriculum type that includes one or more curriculum type elements, the curriculum type being a template for a curriculum; automatically determining a sequencing of the one or more curriculum type elements based on the metadata; and adding the curriculum type to a training catalog. See Col. 51, lines 19-42; Col. 44, line 66 – Col. 45, line 8.

Regarding claims 2 and 12, Cook discloses a method and system wherein the metadata includes a title (Col. 54, line 16), content description (Col. 54, lines 15-25), period of validity (Col. 43, lines 59-63), capacity (Col. 47, lines 45-47), target participants (Col. 47, lines 32-35), prerequisites, and qualifications for the curriculum type (Col. 41, lines 45-50).

Regarding claims 3 and 13, Cook discloses a method wherein the metadata specifies prerequisites for the curriculum type (Col. 32, lines 28-34).

Regarding claims 4 and 14, Cook discloses a method wherein the metadata specifies a capacity for the curriculum type (Col. 47, lines 45-47).

Regarding claims 5 and 15, Cook discloses a method wherein the metadata specifies target participants for the curriculum type (Col. 11, lines 49-50).

Regarding claims 6 and 16, Cook discloses a method wherein the user may select one or more curriculum type elements from a list shown on a display (Col. 44, lines 31-35, 53-57; Col 40, lines 24-54).

Regarding claims 7 and 17, Cook discloses a method wherein the selected curriculum elements include different types of training courses (Col. 9, lines 55-62).

Regarding claims 8 and 18, Cook discloses a method wherein the different types of training courses include web-based training (Col. 21, line 58), classroom training (Col. 19, lines 13-17), and on-the-job training (Col. 43, lines 24-25; Col. 7, line 45).

Regarding claims 9 and 19, Cook discloses a method wherein defining a curriculum based on the defined curriculum type includes generating a list of training courses that match a particular curriculum type element of the defined curriculum type and receiving user input selecting a training course from the list (Col. 44, lines 31-35, 53-57).

Regarding claims 10 and 20, Cook discloses a method wherein automatically determining the sequencing of the curriculum type elements includes using prerequisites and qualifications information of the metadata to check the consistency of the curriculum (Col. 44, lines 31-35, 53-57).

Regarding claim 21, Cook discloses a system for curriculum management, the system comprising: a back-end component that is operable to: define a curriculum type that includes one or more curriculum type elements, the curriculum type being a blueprint for a curriculum; and define a curriculum based on the defined curriculum type by selecting one or more curriculum elements for each of one or more of the curriculum type elements; and a front-end component in communication with the back-end component, the front end component being operable to register a participant in a curriculum (Col. 30, lines 1-7; Col. 32, lines 10-58).

Regarding claim 22, Cook discloses a system wherein the back-end component and the front-end component each have a separate user interface (Col. 23, line 28; Col. 31, line 21).

*Response to Arguments*

Applicant's arguments filed 7/8/2005 have been fully considered but they are not persuasive. It is purported by applicant that Cook does not disclose the steps of automatically determining a sequencing of one or more curriculum type elements based on metadata. The examiner respectfully disagrees. Cook discloses a scheduler/calendar tool and agent/materials interface that automatically control the presentation sequence of educational materials based on metadata. See Col. 51, lines 19-42; Col. 44, line 66 – Col. 45, line 8.

Applicant additionally emphasizes that Cook does not explicitly disclose the feature of providing metadata that specifies a capacity for the curriculum type, arguing that the term capacity refers to a capacity of students that may enroll in a curriculum. The examiner disagrees. The claims are given their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969). *See also In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989). The Merriam Webster dictionary provides the following definitions for the word *capacity*: the potential or suitability for holding, storing, or accommodating; the maximum amount or number that can be contained or accommodated; an individual's mental or physical ability; the faculty or potential for treating, experiencing, or appreciating; the facility or power to produce, perform, or deploy. Although it appears that applicant intends on claiming capacity in terms of the maximum number of students permitted in a class, this feature is not specifically claimed. Accordingly, Cook discloses a curriculum management system having the (capacity) potential for holding or accommodating a spelling bee based on having sufficient number of eligible participants (Col. 47, lines 45-47).

Applicant further asserts that Cook does not disclose or teach different training courses including on-the-job training. However, the examiner disagrees. See Col. 43, line 24.

It is further emphasized that Cook does not disclose the feature of "generating a list of training courses that match a particular curriculum type element. The examiner disagrees. See Col. 44, lines 31-35, 53-57.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3715

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cameron Saadat  
4/11/2006

  
**MONICA CARTER**  
SUPERVISORY PATENT EXAMINER